

The House, accordingly, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Appropriations filed a favorable report on House Bill No. 78.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, September 27, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 4, To grant A. G. Hutton permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, September 27, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 5, To grant W. M. Rousseau permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

TWELFTH DAY

(Tuesday, October 1, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Bergman
Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsup	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Cagle

Caldwell	Latham
Calvert	Leath
Clayton	Lemens
Celaya	Leonard
Collins	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKee
Davison of Fisher	McKinney
Davison	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Pope
Fox	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Hartzog	Scarborough
Head	Sessions
Herzik	Shofner
Hill	Smith
Hodges	Spears
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Venable
Jefferson	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Wells
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Keefe	Wood of Montague
King	Worley
Knetsch	Young
Lanning	Youngblood

Absent—Excused

Canon	Lange
Fitzwater	Padgett
Graves	Settle
Howard	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, to whom all ends are known from their beginnings, with a sense of our own limitations we come to Thee for true wisdom and understanding in our work today. Lead us in all our undertakings, for Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Canon for today, on motion of Mr. Hodges.

Mr. Graves for this morning, on motion of Mr. Petsch.

Mr. Howard for today, on motion of Mr. McCalla.

Mr. Settle for this morning, on motion of Mr. Hyder.

Mr. Lange for this morning, on motion of Mr. Walker.

The following member was granted leave of absence on account of illness:

Mr. Padgett for today, on motion of Mr. Fain.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Spears, Mr. Reader, Mr. Dickison, Mr. Jefferson and Mr. Dwyer:

H. B. No. 97, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said districts, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Knetsch:

H. B. No. 98, A bill to be entitled "An Act to amend Article 2785 so as to provide that notices of election shall be posted for ten days, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Jefferson:

H. B. No. 99, A bill to be entitled "An Act levying an occupation tax upon local mutual aid associations; providing certain exemptions; prescribing the rate of tax and methods of its measurement; providing for the manner of collection, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

MESSAGE FROM THE SENATE

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following

S. B. No. 19, A bill to be entitled "An Act making appropriation of funds out of the State Treasury, not otherwise appropriated, for the purpose of paying certain Deficiency Certificates for fees and costs of sheriffs, county attorneys and clerks, and declaring an emergency."

S. B. No. 20, A bill to be entitled "An Act making certain appropriations for the hospitalization of indigent tuberculosis patients in private sanatoria within this State; authorizing the Board of Control and the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of such tuberculars under the rules and regulations as at present established by law for admission to the State Tuberculosis Sanatorium, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

INVITING HON. WRIGHT PATMAN TO ADDRESS THE HOUSE

Mr. Reed of Bowie offered the following resolution:

Whereas, The Honorable Wright Patman, Congressman from the First

Congressional District of Texas, is now in Austin; now, therefore, be it Resolved, That Mr. Patman be invited to address the Members of the House at 11:30 a. m., today, October 1, 1935.

REED of Bowie
BECK,
GOOD,
WOOD of Harrison,
CROSSLEY,
AIKIN,
RUSSELL,
BOURNE,
HUNT.

The resolution was read second time, and was adopted.

RELATIVE TO COOPERATIVE AGRICULTURAL EXTENSION WORK

Mr. Butler of Brazos offered the following resolution:

H. C. R. No. 8, Instructing Board of Directors of the Agricultural and Mechanical College to receive grants of money made by Act of Congress providing for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.

Whereas, The Congress of the United States has passed an Act approved by the President, June 29, 1935, entitled, "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges"; and

Whereas, It is provided in Section 5 (b) of the Act aforesaid that the sums authorized to be allotted to Porto Rico and the States and the Territories under Sections 2, 3 and 5 of said Act shall be paid annually in quarterly payments on July 1, October 1, January 1, and April 1, by the Secretary of the Treasury upon warrant of the Secretary of Agriculture in the same manner and subject to the same administrative procedure set forth in the Act of March 2, 1887, as amended June 7, 1888; and

Whereas, It is provided in Section 9 of the Act of March 2, 1887, as amended June 7, 1888, that the grants of moneys authorized by said Act are

made subject to the legislative assent of the several states and territories to the purpose of said grants; and

Whereas, It is further provided in Section 21 of the Act of June 29, 1935 that the sums appropriated in pursuance of said section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under the Act of May 8, 1914; and

Whereas, It is provided in Section 3 of the Act of May 8, 1914 that the grants of money authorized by said Act shall be paid annually "to each State which shall by action of its Legislature assent to the provisions of said Act"; and

Whereas, It is further provided in Section 22 (a) and (b) of the Act of June 29, 1935, that the provisions of the law applicable to the use and payment of sums under the Act entitled, "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the Colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two" approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of said section; and

Whereas, Section 2 of the Act of August 30, 1890, provides that the grants of money authorized by said Act are made subject to the legislative assent of the several States and Territories to the purpose of said grants; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the consent of the Legislature of the State of Texas is hereby given to all of the provisions and requirements of the Act of Congress of June 29, 1935, aforesaid, and that the President of the Agricultural and Mechanical College of Texas, or such other officer of said college as may be directed or designated by the Board of Directors of said College, be and he is hereby authorized and empowered to receive the grants of moneys appropriated under said Act in accordance with the terms and conditions thereof.

The resolution was read second time, and was adopted.

GRANTING MRS. BEULAH McFARLAND ET AL., PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 6, by Mr. Shofner, Granting Mrs. Beulah McFarland et al., permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING WILLIE N. GOTCHER PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 7, by Mr. Shofner, Granting Willie N. Gotcher permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

ADDITIONAL SIGNER OF BILLS

By unanimous consent of the House, Mr. Riddle was authorized to sign House Bills Nos. 71 and 83, as co-author of same.

MESSAGE FROM THE SENATE

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following resolution:

H. C. R. No. 4, Granting A. G. Hut-ton permission to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

COMMUNICATION TO HON. HOWARD DAVISON

The following communication was ordered printed in the Journal:

Houston, Texas, October 1, 1935.

MR. HOWARD DAVISON,
Capitol, Austin, Texas.

Appreciate continuing pairs in Morse Moffett for today will be unable to get back until late this evening.

GEORGE HOWARD.

HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

The bill having been read second time on yesterday, with committee amendment by Mr. Morse, as substituted by amendment by Mr. Moffett, pending.

Mr. Scarborough moved to reconsider the vote by which the substitute amendment by Mr. Moffett, for the committee amendment by Mr. Morse to House Bill No. 1, was on yesterday adopted.

Mr. Latham moved to table the motion to reconsider the vote.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas 70, nays 72.

Mr. Moffett called for a verification of the vote.

The roll of the "yeas" and "nays" was then called and the verified vote resulted as follows:

Yeas—68

Adkins	Broyles
Aikin	Burton
Alexander	Cagle
Alsup	Calvert
Atchison	Cowley
Beck	Craddock
Bourne	Crossley
Bradbury	Daniel

Davis	Moffett
Davisson	Morris
of Eastland	Morrison
England	Palmer
Farmer	Petsch
Fisher	Quinn
Fox	Reed of Bowie
Gibson	Riddle
Glass	Roach of Angelina
Gray	Roark
Harris of Archer	Rogers
Head	Russell
Hodges	Sessions
Huddleston	Shofner
Hunt	Stovall
Hunter	Tarwater
Jones of Atascosa	Tennyson
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Walker
Lanning	Wells
Latham	Westfall
Lemens	Wood of Harrison
Lindsey	Wood of Montague
Luker	Worley
Mauritz	Youngblood
McConnell	

Nays—71

Adamson	Jefferson
Ash	Jones of Falls
Bergman	King
Bradford	Knetsch
Butler of Brazos	Leath
Butler of Karnes	Leonard
Caldwell	Lotief
Celaya	Lucas
Clayton	McCalla
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moore
Dickison	Morse
Dunagan	Newton
Dunlap of Hays	Nicholson
Dunlap of Kleberg	Olsen
Duvall	Patterson
Dwyer	Payne
Ford	Pope
Frazer	Reader
Fuchs	Reed of Dallas
Good	Roach of Hunt
Greathouse	Roane
Hankamer	Roberts
Hanna	Rutta
Hardin	Scarborough
Harris of Dallas	Smith
Hartzog	Spears
Hill	Stanfield
Hofheinz	Steward
Holland	Stinson
Hoskins	Thornton
Hyder	Waggoner
Jackson	Young
James	

Present—Not Voting

Davison of Fisher Herzik
Fain

Absent—Excused

Canon	Lange
Fitzwater	Padgett
Graves	Settle
Howard	

PAIRED

Mr. Fain (present), who would vote "yea," with Mr. Padgett (absent) who would vote "nay."

Mr. Davison of Fisher (present), who would vote "yea," with Mr. Howard (absent) who would vote "nay."

Mr. Herzik (present), who would vote "nay," with Mr. Graves (absent) who would vote "yea."

The Speaker announced that the motion to table was lost.

REASON FOR VOTE

I voted "nay" yesterday and today on the State Monopoly Plan (Moffett Bill) and will vote "nay" on the Morse Bill as it now reads. I am in favor of voting down the Moffett Bill and the Morse Bill and then amending the license system bill (Morse Bill) so that it will limit the sale of liquor to only unbroken packages and make it illegal to consume same on premises. I think that neither plan we are now voting on should be adopted, inasmuch as it will be the choice between two evils.

DUNLAP of Hays.

Question—Shall the motion by Mr. Scarborough to reconsider prevail?

ADDRESS BY THE HON. WRIGHT PATMAN

In accordance with the provision of a resolution heretofore adopted, inviting the Hon. Wright Patman to address the House, Mr. Patman having been escorted to the Speaker's stand by Hon. Jasper Reed, Hon. E. Harold Beck, Hon. A. Crossley and Hon. A. M. Aikin, Jr., Speaker Stevenson presented Mr. Reed of Bowie, who in turn introduced Hon. Wright Patman.

Mr. Patman addressed the House.

MESSAGE FROM THE SENATE

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 25, A bill to be entitled "An Act making an appropriation of money for the Sam Houston State Teachers College, at Huntsville, Texas, providing for the purpose thereof, and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to loan fifteen thousand five hundred twenty-five dollars and seventy-one cents (\$15,525.71) each year of the current biennium out of the local funds of the college for the purpose of refinancing the Agricultural and Mechanical College Stadium Bonds now in default; and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

Mr. Quinn moved that the House recess to 1:30 o'clock p. m., today.

Mr. Reed of Bowie moved that House recess to 2:00 o'clock p. m., today.

Question recurring on the motion by Mr. Reed of Bowie it prevailed, and the House accordingly at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

Mr. Reader moved a call of the House for the purpose of maintaining a quorum until 3 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Reader, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was then called and a quorum was announced present.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 4, Granting A. G. Hutton permission to sue the State.

HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 1, relative to the manufacture and sale of intoxicating liquors, on its passage to engrossment.

The bill having heretofore been read second time, with committee amendment by Mr. Morse as substituted by amendment by Mr. Moffett, and motion by Mr. Scarborough to reconsider the vote by which the substitute amendment was adopted, pending.

On motion of Mr. Reader, the call of the House was extended pending consideration of the motion by Mr. Scarborough, and the substitute amendment by Mr. Moffett.

Mr. Butler of Brazos moved the previous question on the motion to reconsider the vote by which the substitute amendment by Mr. Moffett was adopted, and the main question was ordered.

Question recurring on the motion by Mr. Scarborough, to reconsider the vote by which the substitute amendment by Mr. Moffett was adopted, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—74

Adamson	Dwyer
Ash	Ford
Bergman	Frazer
Butler of Brazos	Fuchs
Butler of Karnes	Good
Caldwell	Greathouse
Celaya	Hankamer
Clayton	Hanna
Collins	Hardin
Colquitt	Harris of Dallas
Colson	Hartzog
Cooper	Herzik
Crossley	Hill
Dickison	Hofheinz
Dunagan	Holland
Dunlap of Hays	Hoskins
Dunlap of Kleberg	Hyder
Duvall	Jackson

James	Patterson
Jefferson	Payne
Jones of Falls	Pope
King	Reader
Knetsch	Reed of Dallas
Lange	Riddle
Leath	Roach of Hunt
Leonard	Roane
Lotief	Roberts
Lucas	Rutta
McCalla	Scarborough
McFarland	Settle
McKee	Smith
McKinney	Stanfield
Moore	Steward
Morse	Stinson
Newton	Thornton
Nicholson	Waggoner
Olsen	Young

Nays—67

Adkins	Jones of Wise
Aikin	Keefe
Alexander	Lanning
Alsup	Latham
Atchison	Lemens
Beck	Lindsey
Bourne	Luker
Bradbury	Mauritz
Broyles	McConnell
Burton	Moffett
Cagle	Morris
Cowley	Morrison
Craddock	Palmer
Daniel	Petsch
Davis	Quinn
Davison	Reed of Bowie
of Eastland	Roach of Angelina
England	Roark
Fain	Rogers
Farmer	Russell
Fisher	Sessions
Fox	Shofner
Gibson	Stovall
Glass	Tarwater
Graves	Tennyson
Gray	Tillery
Harris of Archer	Venable
Head	Walker
Hodges	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Jones of Atascosa	Worley
Jones of Shelby	Youngblood

Present—Not Voting

Calvert	Davison of Fisher
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Absent

Bradford	Spears
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Absent—Excused

Canon	Howard
Fitzwater	Padgett

PAIRED

Mr. Calvert (present), who would note "nay", with Mr. Spears (absent), who would vote "yea."

Mr. Davison of Fisher, (present), who would vote "nay", with Mr. Howard (absent), who would vote "yea."

Question then recurring on the substitute amendment by Mr. Moffett, yeas and nays were demanded.

The substitute amendment was lost by the following vote:

Yeas—66

Adkins	Keefe
Aikin	Lanning
Alexander	Latham
Atchison	Lemens
Beck	Lindsey
Bourne	Luker
Bradbury	Mauritz
Broyles	McConnell
Burton	Moffett
Cagle	Morris
Cowley	Morrison
Craddock	Palmer
Daniel	Petsch
Davis	Quinn
Davison	Reed of Bowie
of Eastland	Roach of Angelina
England	Roark
Fain	Rogers
Farmer	Russell
Fisher	Sessions
Fox	Shofner
Gibson	Stovall
Glass	Tarwater
Graves	Tennyson
Gray	Tillery
Harris of Archer	Venable
Head	Walker
Hodges	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Jones of Atascosa	Worley
Jones of Shelby	Youngblood
Jones of Wise	

Nays—73

Adamson	Dickison
Ash	Dunagan
Bergman	Dunlap of Hays
Butler of Brazos	Dunlap of Kleberg
Butler of Karnes	Duvall
Caldwell	Dwyer
Celaya	Ford
Clayton	Frazer
Collins	Fuchs
Colquitt	Good
Colson	Greathouse
Crossley	Hankamer

Hanna	Moore
Hardin	Morse
Harris of Dallas	Newton
Hartzog	Nicholson
Herzik	Olsen
Hill	Patterson
Hofheinz	Payne
Holland	Pope
Hoskins	Reader
Hyder	Reed of Dallas
Jackson	Riddle
James	Roach of Hunt
Jefferson	Roane
Jones of Falls	Roberts
King	Rutta
Knetsch	Scarborough
Lange	Settle
Leath	Smith
Leonard	Stanfield
Lotief	Steward
Lucas	Stinson
McCalla	Thornton
McFarland.	Waggoner
McKee	Young
McKinney	

Present—Not Voting

Alsup	Cooper
Calvert	Davison of Fisher

Absent

Bradford	Spears
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Absent—Excused

Canon	Howard
Fitzwater	Padgett

PAIRED

Mr. Cooper (present), who would vote "nay", with Mr. Canon (absent), who would vote "yea."

Mr. Davison of Fisher (present), who would vote "yea", with Mr. Howard (absent), who would vote "nay."

Mr. Calvert (present), who would vote "yea", with Mr. Spears (absent), who would vote "nay."

REASONS FOR VOTE

I voted against the present Moffett substitute because there is a bill now pending to prohibit sales of liquor by the drink (Senator Small's bill) and I prefer that kind of regulation.

ARTHUR C. RIDDLE.

Being forced to vote at this time between the lesser of two evils, and after hearing arguments, for both the

"Morse Plan" and the "Moffett Plan," thoroughly discussed, I believe the best way, at this time, to eliminate the "bootlegger," get more State revenue from liquor, regulate the sale in wet counties and give absolute protection to the dry counties, is to vote for private licensed liquor stores with sales in "unbroken packages" only. This will eliminate the open saloon.

Therefore, I am voting against the adoption of the "Moffett Plan" with the ultimate intention to vote for the "Private licensed liquor stores with sales, only, in unbroken packages."

JESSE E. ROACH.

Mr. Thornton offered a substitute for the Committee Amendment by Mr. Morse, which amendment was ordered not printed in the Journal, same being the printed copy of House Bill No. 1, with certain changes.

Mr. Alsup raised a point of order on further consideration of the amendment by Mr. Thornton at this time, on the ground that the amendment violates certain constitutional provisions, in that it seeks to enact class legislation and insists that the local option law must be State wide and uniform.

HOUSE BILL NO. 48 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 48, A bill to be entitled "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7 of, Senate Bill No. 43, chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm or corporation, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 48 ON THIRD
READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

Adamson	Hunter
Adkins	Hyder
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Knetsch
Bradford	Latham
Broyles	Leath
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Caldwell	Lucas
Celaya	Lanning
Collins	McCalla
Colquitt	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	Moffett
Davis	Moore
Davisson	Morris
of Eastland	Morrison
Dunlap of Hays	Newton
Dunlap of Kleberg	Nicholson
Duvall	Olsen
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Pope
Fox	Quinn
Frazer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roane
Gray	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Sessions
Hartzog	Settle
Head	Smith
Herzik	Stanfield
Hodges	Steward
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tarwater
Huddleston	Tennyson

Thornton
Tillery
Venable
Waggoner
Westfall

Wood of Harrison
Wood of Montague
Worley
Young

Nays—5

Cagle
Daniel
Hardin

Hunt
Roark

Present—Not Voting

Davison of Fisher

Absent

Beck	Lotief
Calvert	Luker
Clayton	Mauritz
Colson	McKinney
Crossley	Morse
Dickison	Falmer
Dunagan	Reader
Dwyer	Roach of Hunt
England	Shofner
Graves	Spears
Hill	Walker
Keefe	Wells
King	Youngblood

Absent—Excused

Canon
Fitzwater
Howard

Lange
Padgett

The Speaker then laid House Bill No. 48 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adamson	Davis
Adkins	Davisson
Aikin	of Eastland
Alexander	Dunagan
Alsup	Dunlap of Hays
Ash	Dunlap of Kleberg
Atchison	Duvall
Bourne	Fain
Bradbury	Farmer
Bradford	Fisher
Burton	Ford
Butler of Brazos	Fox
Butler of Karnes	Frazer
Cagle	Fuchs
Caldwell	Gibson
Celaya	Glass
Clayton	Good
Collins	Gray
Colquitt	Greathouse
Cooper	Hankamer
Cowley	Hanna
Craddock	Hardin

Harris of Archer	Patterson
Harris of Dallas	Payne
Hartzog	Petsch
Head	Pope
Herzik	Quinn
Hodges	Reed of Bowie
Hofheinz	Reed of Dallas
Holland	Riddle
Hoskins	Roach of Angelina
Huddleston	Roane
Hunter	Roark
Hyder	Roberts
Jackson	Rogers
Jefferson	Russell
Jones of Atascosa	Rutta
Jones of Falls	Scarborough
Jones of Shelby	Sessions
Jones of Wise	Settle
Knetsch	Smith
Lanning	Stanfield
Latham	Steward
Leath	Stinson
Lemens	Stovall
Leonard	Tarwater
Lucas	Tennyson
McCalla	Thornton
McConnell	Tillery
McFarland	Venable
McKee	Waggoner
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Newton	Youngblood
Olsen	

Nays—3

Broyles	Hunt
Daniel	

Present—Not Voting

Davison of Fisher

Absent

Beck	King
Bergman	Lindsey
Calvert	Lotief
Colson	Luker
Crossley	Mauritz
Dickison	Nicholson
Dwyer	Palmer
England	Reader
Graves	Roach of Hunt
Hill	Shofner
James	Spears
Keefe	Walker

Absent—Excused

Canon	Lange
Fitzwater	Padgett
Howard	

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 19, to the Committee on Appropriations.

S. B. No. 20, to the Committee on Appropriations.

S. B. No. 25, to the Committee on Appropriations.

S. B. No. 36, to the Committee on Appropriations.

CONDEMNING CERTAIN NEWS-
PAPER ARTICLE

Mr. McKinney offered the following resolution:

Whereas, The Austin American, under date of October 1st, 1935, carried a statement in said paper under the caption "Traffic Lights Nothing to Law Maker." "Our Very Deadly Streets," "Representative Clayton stands On Constitution," and following said quotations in headlines entered into a lengthy discussion of the matter that Mr. Clayton had violated the traffic law of the City of Austin and commented on the fact that Mr. Clayton had appeared before said Court and claimed his constitutional exemption from prosecution because of the fact that he was a member of the Legislature; and

Whereas, Said report as it appeared in said paper, is an unwarranted and slanderous attack upon one of the most honorable, upright, and conscientious members of the Forty-fourth Legislature; and

Whereas, Said report is believed to be unfair, untrue and an unwarranted presentation of the facts of said case, and is intended to and will, if not refuted by this Legislature, leave the erroneous impression that Mr. Clayton has ignored the laws relative to traffic regulation in Austin, and will leave the impression that he is a man who would stand upon his constitutional exemptions from prosecutions of said charge of law violations; and

Whereas, The Legislature believes that Mr. Clayton was not given a fair hearing before said court and has not been treated fairly by the report in said paper; and

Whereas, The Legislature believes that it is the duty of said Body to

defend its membership when they are unjustly attacked either by a corporation court in Austin or by a newspaper in the City of Austin or any other place; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That that Body condemn the action both of the court in which Mr. Clayton appeared and the newspaper printing the remarks and the comments upon what occurred at said trial, and deplore the fact that it has within its confines and borders a paper so utterly unfair and unjust as to lend its columns to the publication of such an attack; and be it further

Resolved, That the House of Representatives have implicit confidence in the high integrity, honest patriotism and good citizenship of W. E. Clayton of El Paso, and by this resolution represents the slanderous attack made upon him as unwarranted, unjust, untrue and as an insult and reflection upon the dignity of the entire membership of the House of Representatives.

McKINNEY,
JONES of Atascosa,
ALSUP.

The resolution was read second time, and was adopted.

ADDITIONAL SIGNERS OF HOUSE BILL

By unanimous consent of the House the following members were authorized to sign House Bill No. 16: Messrs. Davisson of Eastland, Reed of Bowie, Hofheinz, Hunt and Mrs. Moore.

RECESS

On motion of Mr. Quinn, the House at 5:10 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Conservation and Reclamation: House Bill No. 97.

Liquor Traffic: House Bill No. 13.

Public Lands and Buildings: House Bill No. 96.

Revenue and Taxation: House Bills Nos. 34, 57, 76 and 81.

State Affairs: House Bills Nos. 16 and 91; House Concurrent Resolutions Nos. 6 and 7.

The Committee on Public Lands and Buildings filed an adverse report on resolution offered on yesterday by Mr. Farmer, requesting Governor to submit certain subject.

The Committee on State Affairs filed an adverse report, with a minority favorable report, on House Bill No. 42.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 6, To grant Mrs. Beulah McFarland, et al., permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 8, Instructing Board of Directors of the Agricultural and Mechanical College to receive grants of money made by Act of Congress providing for research into basic laws and principles relating to agriculture, and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 7, Granting Willie N. Gotcher permission to sue the State of Texas and/or the State Highway Department.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, September 26, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, October 1, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 4, Granting A. G. Hutton permission to bring suit against the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

In Memory of Hon. J. D. Avis

Mr. McFarland offered the following resolution:

Whereas, The Press of this morning has announced the death of Hon. J. D. Avis of Wichita Falls, said death having occurred on last Sunday, the 29th day of September; and

Whereas, In the death of this illustrious gentleman, the State has lost a faithful, conscientious, pioneer citizen and his community, a man who has always stood in the forefront of progress; and

Whereas, The deceased has resided in this State during his entire life having been born in Montague County in the year 1861; and

Whereas, He had served his home County as a public official and served in the Legislature of the State of Texas with distinction during the Thirty-eighth, Thirty-ninth, Fortieth and Forty-first Legislatures; and

Whereas, During said service Mr. Avis was always found to be courteous, considerate, and highly conscientious of his duty as a Member of the Legislature and left indelibly inscribed upon the memories of those Members who served with him the impress of righteousness and patriotic service; and

Whereas, In the loss of Mr. Avis the Legislature of the State of Texas has seen another of its patriotic colleagues pass on to that award awaiting the faithful; now, therefore, be it

Resolved, That in the passing of Mr. Avis, the State has lost a faithful citizen, scholar and gentleman and that when this House adjourns today it do so in memory of this deceased patriot; and be it further

Resolved, That a page of the House Journal be set aside for the printing of this resolution; and be it further

Resolved, That a copy of this resolution be sent to the family of the deceased at 1318 Tenth Street, Wichita Falls, Texas, under the Seal of the Chief Clerk of the House.

McFARLAND,
WALKER,
TENNYSON,
JONES of Atascosa,
POPE.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox of Williamson, Frazer, Fuchs of Washington, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Thornton, Tillery, Venable, Waggoner, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young, Youngblood.

On the motion of Mr. Lemens the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.